

# **EXHIBIT**

# **J**

trespass. CSX knew almost all these pedestrians were college students who fit the demographic profile of the persons most likely to be struck by a train.

51. Despite having notice and knowledge of the inherently dangerous nature of a rail right of way to the general public, CSX did nothing to prevent hundreds of daily instances of trespassing in the area of the Bragg property for years.

52. In spite of all this notice regarding frequent and continuous pedestrian crossings near the Bragg property, CSX continued to drive its trains through this area of high pedestrian trespass events at its maximum authorized speed.

C. **Madisen - October 4, 2018.**

53. CSX allowed this condition to persist for a period of years prior to striking Madisen with its train and causing her severe, debilitating, life-altering injuries from which she will likely never recover.

54. A collision with a pedestrian at this “trespassing hotspot” was as foreseeable for CSX as the setting of the sun in the evening. Yet CSX did nothing to prevent the trespassing of its property hundreds of times a day near Bragg’s property in the area of Bragg’s gate.

55. CSX’s train struck Madisen on the afternoon of October 4, 2018 as Madisen was walking back to Bragg from her classes. At the time CSX’s train struck Madisen she was on her phone talking to her mother while attempting to cross CSX’s tracks via her usual and customary path, as she had done hundreds of times before.

56. Of course, Madisen’s path was directly through the pedestrian trespassing hotspot created by Bragg’s gate and ignored by CSX for years.

57. Two of the three factors identified in the FRA’s Trespass Report were present at the location where Madisen was struck by CSX’s train: